

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

M.B.D. No.

05 MBD 10203

K-SWISS INC., a Delaware Corporation

Plaintiff

v.

PAYLESS SHOESOURCE, INC.

Defendant

PLAINTIFF K-SWISS INC.'S MOTION TO FILE DOCUMENTS UNDER SEAL

Now comes the Plaintiff, K-Swiss Inc. ("K-Swiss") and hereby moves this Court for an order authorizing the filing of its motion, memorandum and supporting declaration to compel discovery from Mercury International Trading Corporation ("Mercury") UNDER SEAL.

The federal District Court for the Central District of California, in which the underlying dispute is pending, has entered a confidentiality protective order (copy attached hereto as Exhibit A).

Defendant Payless Shoesource, Inc. has designated substantial business information as Confidential Attorneys Only including various documents pertaining to Mercury including documents upon which K-Swiss has obtained information to support this motion.

In view thereof, K-Swiss submits that the motion, memorandum and accompanying Declaration of Neil Greenstein must be filed under seal in order to comply with the District Court for the Central District of California's protective order.

WHEREFORE, the Plaintiff K-Swiss Inc. respectfully requests that the within motion be granted, and that it be allowed to file its motion, memorandum and supporting declaration to compel discovery from Mercury International Trading Corporation UNDER SEAL.

PLAINTIFF K-SWISS INC.,

By its attorneys,



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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by ~~mail~~ hand and federal express on 5/16/05 - JK